

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA                          )  
  )  
  )  
v.   )   CASE NO. 2:06-cr-214-MEF  
   )  
   )   (WO)  
DANIEL L. PLATT                                      )

**O R D E R**

On November 15, 2006, the defendant filed a Motion to Continue (Doc. #29) and an Amended Motion to Continue (Doc. #30). While the granting of a continuance is left to the sound discretion of the trial judge, *United States v. Warren*, 772 F.2d 827, 837 (11th Cir. 1985), the court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. §3161(c)(1). See *United States v. Vasser*, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

The motion states that the defendant's motion to suppress is pending before the court. Based on the need to resolve the suppression issue before trial, a continuance is necessary until the suppression issue can be resolved. The government does not oppose a continuance. Consequently, the court concludes that a continuance of this case is warranted

and that the ends of justice served by continuing this case outweighs the best interest of the public and the defendant in a speedy trial. *See United States v. Davenport*, 935 F.2d 1223, 1235 (11th Cir. 1991)(reasonable time necessary for effective preparation is a significant factor for granting a continuance under the Speedy Trial Act).

Accordingly, it is hereby ORDERED:

1. That the defendant's motions are GRANTED;
2. That the trial of this defendant is continued from the November 27, 2006 trial term to the March 12, 2007 trial term.
3. That the Magistrate Judge conduct a pretrial conference prior to the March 12, 2007 trial term.

DONE this the 20th day of November, 2006.

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/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE